



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Shone *et al.*

Appl. No.: 10/527,411

§ 371 Date: November 10, 2005

Confirmation No: 7312

Art Unit: 1645

Examiner: Archie, Nina

Atty. Docket: 1581.0130005/RWE

For: **Recombinant Toxin Fragments**

**Fourth Supplemental Information Disclosure Statement  
Under 37 C.F.R. § 1.97(b)**

Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

*Mail Stop RCE*

Sir:

Listed on accompanying IDS Forms, PTO/SB/08A and PTO/SB/08B, are documents that may be considered material to the examination of this application, in compliance with the duty of disclosure requirements of 37 C.F.R. §§ 1.56, 1.97 and 1.98. This Fourth Supplemental Information Disclosure Statement is a continuation of Applicants' Third Supplemental Information Disclosure Statement filed on October 12, 2007, in connection with the above-captioned application.

Copies of documents **NPL4** to **NPL30** and **FP4** to **FP9** are submitted. In accordance with 37 C.F.R. § 1.98(a), copies of U.S. patents and patent application publications cited on the attached IDS Form PTO/SB/08A, documents **US10** to **US49**, are not submitted.

The Examiner's attention is directed to the following co-pending U.S. Patent Applications, which are directed to related technical subject matter:

U.S. Application No. 12/399,542, inventors Shone *et al.*, filed March 6, 2009; and not published; listed as document **NPL28**;

U.S. Application No. 12/369,341, inventors Shone *et al.*, filed February 11, 2009; and not published; listed as document **NPL29**;

U.S. Application No. 12/174,896, inventors Shone *et al.*, filed July 17, 2008; and not published; listed as document **NPL30**; and

U.S. Application No. 12/360,470, inventors Shone *et al.*, filed January 27, 2009; now U.S. Appl. Pub. No. 2009/0148888 A1; listed as document **US49**.

In accordance with the recent Federal Circuit decision in *Dayco Prods., Inc. v. Total Containment, Inc.* 329 F.3d 1358 (Fed. Cir. 2003), Applicants submit herewith Office Actions and Amendment and Replies to Office Actions under 37 C.F.R. § 1.111 and 37 C.F.R. § 1.116 from:

the related co-pending U.S. Patent Application No. 11/077,550, as Documents **NPL23 to NPL26**; and

the related co-pending U.S. Patent Application No. 11/644,010, as Document **NPL27**.

The identification of this U.S. Patent Application is not to be construed as a waiver of secrecy as to that application now or upon issuance of the present application as a patent. The Examiner is respectfully requested to consider the cited applications and the art cited therein during examination.

Applicants have listed publication dates on the attached IDS Forms based on information presently available to the undersigned. However, the listed publication dates should not be construed as an admission that the information was actually published on the date indicated.

Applicants reserve the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent application does not exist. The Examiner is specifically requested not to rely solely on the material submitted herewith.

This Information Disclosure Statement is being filed before the mailing of a first Office Action after the filing of a request for continued examination under 37 C.F.R. § 1.114. No statement or fee is required.

It is respectfully requested that the Examiner initial and return a copy of the enclosed IDS form, and indicate in the official file wrapper of this patent application that the documents have been considered.

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.



Robert W. Esmond  
Attorney for Applicants  
Registration No. 32,893

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1100 New York Avenue, N.W.  
Washington, D.C. 20005-3934  
(202) 371-2600  
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